

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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EVERCARE CHOICE, INC.,

Plaintiff,

Civil Case No.: 7:20-cv-02733-PMH

-against-

PKF O’CONNOR DAVIES, LLP; O’CONNOR
DAVIES, LLP; O’CONNOR DAVIES
MUNNS & DOBBINS, LLP; and Individuals
THOMAS P. KENNEDY; CHRISTOPHER J.
McCARTHY; MICHAEL J. SUAREZ;
GARRETT M. HIGGINS; and JOHN DOES 1-10.

**STIPULATION AND
~~PROPOSED~~ ORDER**

Defendants.

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**STIPULATION AND ~~PROPOSED~~
ORDER WITHDRAWING CAUSE OF ACTION**

WHEREAS, on May 2, 2024, the Court held a telephonic conference with counsel for Plaintiff, EVERCARE CHOICE, INC. (“Plaintiff”) and Defendants PKF O’CONNOR DAVIES, LLP; O’CONNOR DAVIES, LLP; O’CONNOR DAVIES MUNNS & DOBBINS, LLP; and Individuals THOMAS P. KENNEDY; CHRISTOPHER J. McCARTHY; MICHAEL J. SUAREZ; GARRETT M. HIGGINS; and JOHN DOES 1-10 (“Defendants”) with respect to Defendants’ request for a pre-motion conference (Dkt. No. 45);

WHEREAS, during the court conference, Plaintiff agreed to voluntarily withdraw its fifth cause of action for breach of contract;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the respective parties that Plaintiff’s fifth cause of action for breach of contract is withdrawn; and

IT IS HEREBY FURTHER STIPULATED AND AGREED, this stipulation may be executed in counterparts, each of which shall be deemed an original, but all of which shall

constitute one and the same instrument. Copies of signatures, including electronic copies, and electronic signatures shall be considered original signatures for purposes of this stipulation.

Dated: New York, New York
May 6, 2024


By: /s/ Peter B. Zlotnick
Peter B. Zlotnick

MORITT HOCK & HAMROFF LLP
1407 Broadway, Suite 3900
New York, NY 10018
Tel: (212) 239-2000
Attorneys for Plaintiff

By: /s/ Peter J. Larkin
Peter J. Larkin

**WILSON ELSEER MOSKOWITZ EDELMAN
& DICKER LLP**
1133 Westchester Avenue
White Plains, NY 10604
Tel: (914) 323-7000
Attorneys for Defendants

SO ORDERED:



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
May 7, 2024